

BEFORE THE ARIZONA VETERINARY MEDICAL EXAMINING BOARD

IN THE MATTER OF:

**MARK FINK, DVM**

Holder of License No. 1692  
For the practice of Veterinary  
Medicine in the State of Arizona,

**Respondent.**

) **Case No.: 18-12**

) **CONSENT AGREEMENT**  
) **FINDINGS OF FACT**  
) **CONCLUSIONS OF LAW**  
) **AND ORDER**

In the interest of a prompt and judicious settlement of the above captioned matter before the Arizona State Veterinary Medical Examining Board ("Board") and consistent with the public interest, statutory requirements and responsibilities of the Board, and pursuant to A.R.S. §32-2201 et. seq. and A.R.S. § 41-1092.07 (F)(5), the undersigned party, Mark Fink, DVM ("Respondent"), holder of license No. 1692 for the practice of veterinary medicine in Arizona and the Board enter into this Consent Agreement, Findings of Fact, Conclusion of Law and Order ("Consent Agreement") as final disposition of this matter.

**CONSENT AGREEMENT**

Respondent understands and agrees that:

1. The Board has jurisdiction over Respondent and the subject matter pursuant to A.R.S. §32-2201, et. seq.

2. Respondent has the right to consult with an attorney prior to entering into this Consent Agreement. Respondent has a right to a public hearing concerning this case. He further acknowledges that at such hearing he could

1 present evidence and cross-examine witnesses. Respondent irrevocably waives  
2 his right to such a hearing.

3 3. Respondent irrevocably waives any right to rehearing or review or to  
4 any judicial review or any other appeal of these matters.

5 4. The Consent Agreement, once approved by the Board and signed by  
6 the Respondent, shall constitute a public record, which may be disseminated  
7 as a formal action of the Board. Sufficient evidence exists for the Board to make  
8 the Findings of Fact and Conclusions of Law set forth in the Consent  
9 Agreement.

10 5. Respondent acknowledges and understands that this Consent  
11 Agreement will not become effective until the Board approves it and it is signed  
12 by the Board's Executive Director. Respondent acknowledges and agrees that  
13 upon signing and returning this Consent Agreement to the Board's Executive  
14 Director, Respondent may not revoke his acceptance of the Consent  
15 Agreement or make any modifications to the document, regardless of whether  
16 the Consent Agreement has been issued by the Executive Director.

17 6. If any part of the Consent Agreement is later declared void or  
18 otherwise unenforceable, the remainder of the Order in its entirety shall remain  
19 in force and effect.

20 7. Respondent acknowledges that any violation of this Consent  
21 Agreement constitutes unprofessional conduct pursuant to A.R.S. § 32-2232 and  
22 may result in disciplinary action pursuant to A.R.S. § 32-2234.

23 8. This Consent Agreement and Order is effective on the date signed by  
24 the Board.  
25

1 DATED this 8 day of January 2018.

2   
3 Mark Fink, DVM  
4

5 **FINDINGS OF FACT**

6 1. The Board is the duly constituted authority for the regulation and  
7 control of the practice of veterinary medicine in the State of Arizona.

8 2. Respondent holds license No. 1692 for the practice of veterinary  
9 medicine in the State of Arizona.

10 3. On July 24, 2017, Respondent received a call from Ms. Shawn Wood, a  
11 new client, stating she had a 28-year-old horse that was losing weight in spite of  
12 feeding supplementation. She requested an appointment for euthanasia due  
13 to chronic weight loss and advanced age. An appointment was scheduled for  
14 the July 28th and Ms. Wood was advised to call Trails End Large Animal  
15 Removal to arrange for removal of the remains immediately following the  
16 procedure.

17 4. On July 28, 2017, Respondent arrived at the property where he had  
18 been directed to come. Ms. Wood came out and introduced herself; they  
19 discussed the horse's condition and that she wished to have the horse  
20 euthanized. She retrieved the horse, which was thin, had numerous hives, and  
21 appeared old. Respondent explained the procedure to Ms. Wood. He then  
22 prepared the sedative and solution; the euthanasia procedure was performed.

23 5. After the procedure, the Trails End representative asked Ms. Wood if  
24 she wanted a braid of the tail hairs, which was declined. Respondent then  
25 obtained Ms. Wood's information as well as the horse's information and the

1 invoice was paid. Respondent did not obtain signed authorization prior to  
2 euthanizing the horse, nor have a witness to the verbal authorization and  
3 document it in the medical record.

4 6. Later that afternoon, a representative from Trails End called  
5 Respondent to advise him that Ms. Wood had misidentified her horse and  
6 Complainant's horse, "C.W. Aviator," a 30-year-old Arabian gelding, was  
7 euthanized, not Ms. Wood's horse, a Thoroughbred. Respondent then received  
8 a call from the property owner of where the horse was euthanized and stated  
9 the wrong horse had been euthanized. The phone was handed to  
10 Complainant who asked what happened. Respondent explained that he had  
11 never met Ms. Wood or her horse and had no reason to believe it was not her  
12 horse.

#### 13 14 CONCLUSIONS OF LAW

15 7. The Findings of Fact constitute a violation of **A.R.S. § 32-2232 (21)** as it  
16 relates to **A.A.C. R3-11-502 (F)** for failure to obtain signed authorization prior to  
17 euthanizing the horse, or having a witness to the verbal authorization and  
18 documenting it in the medical record.

#### 19 20 ORDER

21 Based upon the foregoing Findings of Fact and Conclusions of Law it is  
22 **ORDERED** that Respondent, License No. 1692, be issued a **Decree of Censure**.

23 1. Respondent shall obey all federal, state and local laws/rules governing  
24 the practice of veterinary medicine in this state.  
25

2. Respondent shall bear all costs of complying with this Consent Agreement.

3. This Consent Agreement is conclusive evidence of the matters described and may be considered by the Board in determining an appropriate sanction in the event a subsequent violation occurs. In the event Respondent violates any term of this Consent Agreement, the Board may, after opportunity for Informal Interview or Formal Hearing, take any other appropriate disciplinary action authorized by law, including suspension or revocation of Respondent's license.

ISSUED THIS 16<sup>th</sup> DAY OF January 2018.

FOR THE BOARD:

ARIZONA STATE VETERINARY MEDICAL EXAMINING BOARD

Jim Loughhead, Chairperson

By Victoria Whitmore  
Victoria Whitmore, Executive Director

Original of the foregoing filed  
This 16<sup>th</sup> day of January 2018 with:

Arizona State Veterinary Medical Examining Board  
1740 W. Adams St, Ste. 4600  
Phoenix, Arizona 85007

Copy of the foregoing mailed by Certified, return receipt mail  
This 16<sup>th</sup> day of January, 2018 to:  
Mark Fink, DVM  
Address on file  
Respondent

Copy of the foregoing mailed by U.S. mail

1 This 16<sup>th</sup> day of January, 2018 to:

2  
3 David Stoll, Esq.  
4 Beaugureau, Hancock, Stoll and Schwartz, PC  
5 302 E. Coronado Rd  
6 Phoenix, Arizona 85004

7 By:   
8 Board Staff